

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #16	CCRB Case #: 202105105	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 08/24/2021 7:36 PM, Tuesday, 08/24/2021 10:00 PM, Wednesday, 08/25/2021 12:30 PM	Location of Incident: § 87(2)(b) Hospital, 122nd Precinct Stationhouse, and § 87(2)(b)	18 Mo. SOL 2/24/2023	Precinct: 122		
Date/Time CV Reported Thu, 08/26/2021 11:26 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 08/26/2021 11:26 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Masullo	05853	960899	122 PCT
2. POM James Burns	05584	960295	122 PCT
3. SGT Lara Cadogan	01403	951995	122 PCT
4. PO Matthew Aiello	06430	939849	122 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Raychel Campanellarivera	07754	955780	122 DET
2. PO Anthony Robles	02651	953324	122 PCT
3. PO Tiana Guglielmo	08247	957648	122 PCT
4. PO Ricardo Cuenca	27842	945632	122 PCT
5. SGT Francis Maurio	01396	953071	122 PCT
6. SGT Jason Portee	00639	945283	122 PCT
7. PO Michelle Abraham	01124	960121	122 PCT
8. PO Andrew Martinez	03742	947217	122 PCT
9. LT Steven Hecht	00000	938646	122 PCT
10. CPT Michael Galletta	00000	934894	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Michael Masullo	Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo used physical force against § 87(2)(b)	§ 87(2)(b)
B . POM James Burns	Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer James Burns pointed his gun at § 87(2)(b)	§ 87(2)(b)
C . POM Michael Masullo	Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo pointed his gun at § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
D . POM Michael Masullo	Discourtesy: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo spoke discourteously to § 87(2)(b)	
E . POM James Burns	Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer James Burns used physical force against § 87(2)(b)	
F . POM Michael Masullo	Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo used physical force against § 87(2)(b)	
G . POM Michael Masullo	Off. Language: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo made offensive remarks to § 87(2)(b) based on the perceived mental state of § 87(2)(b)	
H . POM Michael Masullo	Discourtesy: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo spoke discourteously to § 87(2)(b)	
I . POM Michael Masullo	Discourtesy: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo gestured discourteously toward § 87(2)(b)	
J . POM Michael Masullo	Abuse: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo seized § 87(2)(b) property.	
K . PO Matthew Aiello	Abuse: On August 25, 2021, at the 122nd Precinct stationhouse, Police Officer Matthew Aiello did not process § 87(2)(b) complaint regarding an officer.	
L . SGT Lara Cadogan	Abuse: On August 25, 2021, at the 122nd Precinct stationhouse, Sergeant Lara Cadogan did not process § 87(2)(b) complaint regarding an officer.	
M . SGT Lara Cadogan	Abuse: On August 25, 2021, at the 122nd Precinct stationhouse, Sergeant Lara Cadogan threatened to arrest § 87(2)(b)	

## Case Summary

On August 26, 2021, § 87(2)(b) filed this complaint via the CCRB online website.

On August 24, 2021, at approximately 7:20 PM, § 87(2)(b) drove to her ex-husband's home at § 87(2)(b) in Staten Island to speak to her daughter against a standing Order of Protection (OOP). § 87(2)(b) called 911 to ask for police assistance to speak to her daughter and Police Officer Michael Masullo and Police Officer James Burns from the 122<sup>nd</sup> Precinct responded to that location.

At one point, while PO Burns was speaking to another civilian, § 87(2)(b) attempted to drive away against officers' instructions and PO Masullo attempted to pull § 87(2)(b) out of her vehicle (**Allegation A: Force, Miscellaneous - § 87(2)(g)** § 87(2)(b) then pushed PO Masullo away and drove forward. Both PO Burns and PO Masullo pointed their guns at § 87(2)(b) to get her to stop driving (**Allegation B: Force, § 87(2)(g) & Allegation C: Force, Miscellaneous - § 87(2)(g)** PO Masullo then used profanity when instructing § 87(2)(b) to exit her vehicle (**Allegation D: Discourtesy, Miscellaneous - § 87(2)(g)** Both PO Burn and PO Masullo then removed § 87(2)(b) from her vehicle and allegedly shoved her against a second vehicle to handcuff her (**Allegation E: Force, § 87(2)(g) & Allegation F: Force, Miscellaneous - § 87(2)(g)** § 87(2)(b) was arrested and charged with violating the order of protection and obstruction of governmental administration (**Board Review 1**).

§ 87(2)(b) was taken to the 122<sup>nd</sup> Precinct stationhouse and then, upon request, to the § 87(2)(b) Hospital. While there, PO Masullo allegedly told a nurse § 87(2)(b) was "a little bit off," pointed to his head, and said not to listen to anything § 87(2)(b) said (**Allegation G: Offensive Language, Miscellaneous - § 87(2)(g)** **Allegations H and I: Discourtesy, Miscellaneous - § 87(2)(g)** When medical staff gave § 87(2)(b) her discharge documentation, PO Masullo allegedly took it from § 87(2)(b) hands and did not return it (**Allegation #: Abuse of Authority, Miscellaneous - § 87(2)(g)** § 87(2)(b) was later released from custody.

The following day, August 25, 2021, § 87(2)(b) went back to the stationhouse to retrieve her vouchered property and to file a complaint against PO Masullo for taking her paperwork. She spoke to Police Officer Matthew Aiello who told her he could not file such a complaint (**Allegation K: Abuse of Authority, Miscellaneous - § 87(2)(g)** § 87(2)(b) then spoke to Sergeant Lara Cadogan who also told her she could not file a complaint against PO Masullo and threatened to arrest her if she did not leave the stationhouse (**Allegation L: Abuse of Authority, Miscellaneous - § 87(2)(g) & Allegation M: Abuse of Authority, Miscellaneous - § 87(2)(g)**

This case was assigned to former Investigator Santosh Prakash and was reassigned to Investigator Nicholas Venduras upon his departure from the agency.

The NYPD Legal Department provided eleven Body-Worn Camera (BWC) videos (**Board Review 2, Board Review 3 & Board Review 4**).

## Findings and Recommendations

**Allegation A: Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo used physical force against § 87(2)(b)**

**Allegation B: Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer James Burns pointed his gun at § 87(2)(b)**

**Allegation C: Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo pointed his gun at § 87(2)(b)**

**Allegation D: Discourtesy: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo spoke discourteously to § 87(2)(b)**

**Allegation E: Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer James Burns used physical force against § 87(2)(b)**

**Allegation F: Force: On August 24, 2021, at § 87(2)(b) in Staten Island, Police Officer Michael Masullo used physical force against § 87(2)(b)**

§ 87(2)(b) provided a statement on September 27, 2021 (**Board Review 5**). She was arrested twice on August 24, 2021. She was initially arrested at 10:15 AM for violating the OOP when she contacted her ex-husband (**Board Review 6**). § 87(2)(b) expected to be released by 2:00 PM so she could see her daughter on her birthday but was released much later (**Board Review 5**). § 87(2)(b) called § 87(2)(b) her ex-husband's girlfriend, multiple times in an attempt to meet her daughter, but § 87(2)(b) either did not agree or ignored § 87(2)(b) calls. § 87(2)(b) then called 911 to get assistance. The ICAD for this incident shows § 87(2)(b) called 911 at 7:15 PM (**Board Review 7**). Because she was not supposed to be near § 87(2)(b) in Staten Island, § 87(2)(b) told the 911 operator they needed to meet further down the block (**Board Review 5**). The 911 operator told her to go meet them at the location she gave, so she went to 232 3<sup>rd</sup> Street, around the corner.

PO Masullo and PO Burns responded to her location (**Board Review 5**). PO Burns immediately asked for § 87(2)(b) keys while they were still in the ignition of the running the vehicle. When she asked why, PO Burns said because she was not supposed to be there. § 87(2)(b) agreed and explained why she had asked them to come to this other location. After further instructions, § 87(2)(b) turned her car off, but refused to give PO Burns her keys. PO Burns eventually walked away to talk to § 87(2)(b) about 75-100 feet away and § 87(2)(b) called 911 to say she needed help because these officers were harassing her.

At that point, PO Masullo opened her door and grabbed her left hand to pull her out of the car (**Board Review 5**). § 87(2)(b) retrieved her keys and turned the car on while PO Masullo partially pulled her out. In response, she pushed him away and drove forward at approximately 10-20 miles an hour. PO Masullo held onto her left arm and walked next to the car. After about a minute, he let go and possibly fell to the ground. She continued to drive after about ten seconds, but PO Burns jumped in front of the car about five feet away. He removed his gun and pointed it through the windshield toward her head, telling her to stop. When she did, both officers pulled her out of the car by her upper arm.

She told the officers to stop because they were hurting her but admitted she may have been physically resisting (**Board Review 5**). The officers pushed her so her back made contact with her car before turning her around to rear-cuff her. Later, she saw that she had bruises on her left shoulder and scratches on her right arm. Her stomach also hurt, which she believed may have been from the officers pushing her against the car.

PO Burns provided a statement on January 20, 2022 (**Board Review 8**). On August 24, 2021, at approximately 7:15 PM, PO Burns and PO Masullo received a radio run for an OOP violation. He

could not recall what, if any, additional details were provided in the 911 call and did not know the specifics of the OOP. When they arrived at § 87(2)(b) a woman named § 87(2)(b) identified herself as the 911 caller and pointed at § 87(2)(b) vehicle down the street saying, “That’s her vehicle right there.” Seconds later, PO Burns saw § 87(2)(b) behind the wheel of a red vehicle and approached the driver’s side. PO Burns had responded to that location at least twice on prior unknown dates regarding calls about § 87(2)(b) but had never interacted with her before.

At § 87(2)(b) driver’s door, while the key was still in the ignition and the vehicle was on, PO Burns asked § 87(2)(b) why she was at the house despite the OOP and § 87(2)(b) answered she wanted to talk to the officers (**Board Review 8**). She was initially calm and explained she called 911 because § 87(2)(b) had not allowed § 87(2)(b) to speak with her daughter who lived at § 87(2)(b). At that point, PO Burns was investigating a possible crime, so he instructed § 87(2)(b) to turn the vehicle off and give him the keys to prevent her from leaving. § 87(2)(b) did not initially comply and asked why, but eventually turned the vehicle off, putting her keys in her pocketbook rather than giving them to him. He then instructed § 87(2)(b) to exit the vehicle but she refused and appeared angry at that point. While § 87(2)(b) was still in the vehicle, she called 911 and PO Burns walked away to talk to § 87(2)(b) leaving PO Masullo with § 87(2)(b) in her vehicle.

While he was about eight to ten feet away with vehicles between them, PO Burns heard PO Masullo repeat to § 87(2)(b) at least twice not to start her car (**Board Review 8**). § 87(2)(b) started the vehicle while PO Masullo was somewhat inside attempting to stop her, but PO Burns did not elaborate what part of PO Masullo’s body was inside the vehicle. § 87(2)(b) then shifted into drive and drove forward, causing PO Masullo to stumble. PO Burns ran into the street at the same time that § 87(2)(b) drove forward to help PO Masullo, who remained at the driver’s door, stop her from driving away. PO Burns was concerned that § 87(2)(b) would hit him with her vehicle when she drove towards him.

PO Burns stopped in the street, drew his firearm, pointed it at § 87(2)(b) and instructed her to stop the vehicle from about five feet away, which she did (**Board Review 8**). § 87(2)(b) did not drive far and only moved forward a couple of feet. PO Masullo was fully out of the vehicle and at least a couple feet away from it when PO Burns drew his firearm. PO Masullo also drew his firearm.

PO Burns drew his firearm because he felt § 87(2)(b) was an imminent threat to PO Masullo, himself, and any other bystanders in the vicinity (**Board Review 8**). § 87(2)(b) could have used her vehicle as weapon against PO Burns and PO Masullo could have been knocked down and the tire could have hit him. PO Burns was authorized to point his firearm at a moving vehicle because he felt there is an imminent threat of serious physical injury or death which he learned this from the Use of Force training at the Police Academy.

PO Burns holstered his firearm after a couple of seconds and approached § 87(2)(b) stopped vehicle (**Board Review 8**). PO Masullo was already at the open driver’s door with one hand on § 87(2)(b) and holstered his firearm with the other hand. PO Masullo pulled § 87(2)(b) left arm to get her out as she held onto the steering wheel. PO Burns reached inside to get § 87(2)(b) right arm and she subsequently released her grip of the steering wheel. PO Burns and PO Masullo then removed her from the vehicle, placed the front of her body against it, and handcuffed her without much of a struggle. PO Burns denied making contact with her stomach and did not recall if § 87(2)(b) back was ever against a vehicle. PO Burns then called for a supervisor, who arrived with additional officers. These officers transported § 87(2)(b) to the stationhouse and PO Burns remained on the scene with his supervisor to fill out paperwork.

Later, after arriving at the stationhouse, § 87(2)(b) was transported to the hospital because she complained of pain to her arm or leg (**Board Review 8**). PO Masullo transported § 87(2)(b) to the hospital and PO Burns had no additional interactions with her after processing her arrest and preparing a Medical Treatment of Prisoner Report.

PO Masullo retired from the NYPD on October 22, 2021, and therefore did not provide a statement regarding this case (**Board Review 9**).

BWC by PO Burns captured this entire incident (**Board Review 10**). The beginning of the BWC shows § 87(2)(b) driving up while PO Burns and PO Masullo are in front of the location. When the sound comes on at timestamp 1:00, § 87(2)(b) talks about her daughter's birthday and PO Burns asks if she is supposed to be in front of that address, to which she answers she is not and that is why she wants to speak to officers elsewhere. At timestamp 1:12, PO Burns tells her to turn the car off, which she does, but she refuses to give him the keys as per his instructions. She asks why, adding she will not drive away, and at timestamp 1:30, PO Burns opens her door and instructs her to get out of the car. At timestamp 1:36, § 87(2)(b) puts her keys near the center console saying they are now "hidden." PO Burns repeats his instructions to step out multiple times, but she only asks why and claims she did nothing wrong. PO Burns responds repeatedly because he is telling her to. At timestamp 2:06, § 87(2)(b) acknowledges she is at that address against the OOP, but states she only arrived once officers were there and hopes to speak somewhere else. At timestamp 2:20, § 87(2)(b) calls 911 again and says officers are harassing her. At timestamp 2:26, PO Burns walks towards § 87(2)(b) and goes over radio to say the perp is calling again. At timestamp 2:55 when he reaches § 87(2)(b) he asks to see the OOP.

PO Masullo's first of two BWC videos shows what happens while PO Burns steps away (**Board Review 11**). At timestamp 2:48, § 87(2)(b) reaches under the passenger seat and gets her keys to put them in the ignition. PO Masullo tells her not to do so, reaches into car, and appears to try to grab her upper left arm and back. At timestamp 2:58, when his camera points towards the ground, PO Masullo's foot is seen parallel to § 87(2)(b) car a few inches away. § 87(2)(b) begins driving away and PO Masullo lets go of her arm, taking a step back so his left foot is forward about six inches away from the back wheel. § 87(2)(b) drives forward but stops at timestamp 3:00 briefly before driving forward again. When she does so, her driver's door closes, and PO Burns is seen pointing his gun at the front of her car. PO Masullo points his gun from the side of the driver door. At timestamp 3:06, PO Masullo tells § 87(2)(b) to get "the fuck" out of the car.

From PO Burns' BWC, when he turns towards § 87(2)(b) vehicle at timestamp 3:00, her front lights are on, and the vehicle begins to move forward (**Board Review 10**). At that point, PO Burns runs over from the sidewalk to the street, gets in front of her vehicle at a slight angle to the right, and points his gun at it from about ten to fifteen feet away telling § 87(2)(b) to stop, which she does at timestamp 3:03. Initially the driver's door was open, but the momentum of the moving vehicle causes the door to close on its own. At timestamp 3:04, PO draws and points his firearm before stepping towards the driver's door. Both officers use loud voices to tell § 87(2)(b) to stop the car and get out. PO Masullo opens her door at timestamp 3:08 and PO Burns appears to holster his gun at timestamp 3:11. As PO Masullo tries to pull her out of the driver seat from her left wrist, she appears to tense her body and grab onto the steering wheel with her right hand. PO Burns goes over the radio and asks for "a boss" at timestamp 3:15 and at timestamp 3:18 he grabs her right wrist and moves it away from the steering wheel. Both officers then pull § 87(2)(b) out of the vehicle. Once she is out, she stumbles for about two steps while the officers keep hold of her. PO Masullo pushes her neck down from the back at timestamp 3:20

while PO Burns holds her right wrist. The officers rear-cuff her near a parked car just next to where she stopped at timestamp 3:28. The officers place the front of § 87(2)(b) body against the rear driver door of the parked car. At no point does BWC footage show § 87(2)(b) head hitting against the vehicle.

At timestamp 4:05, PO Burns gets on the radio again to say everything is under control and they only need a supervisor (**Board Review 10**). § 87(2)(b) adds she needs backup because she is being harassed. At timestamp 4:48, PO Burns tells § 87(2)(b) she tried to run his partner over. He goes on to tell her she did not follow his instructions. § 87(2)(b) says she only wanted to file a report but instead they are arresting her.

At timestamp 6:53 of PO Burns' BWC, as these new officers bring § 87(2)(b) to their vehicle, PO Burns tells a newly-arrived sergeant that § 87(2)(b) tried to run PO Masullo over (**Board Review 10**). This sergeant is identified by BWC as Sergeant Francis Maurio, also of the 122<sup>nd</sup> Precinct (**Board Review 2**). At timestamp 8:25 of his BWC, PO Burns asks PO Masullo if he is alright, and he replies, "I thought she was about to run my foot over for a second" (**Board Review 10**). PO Burns then walks over to § 87(2)(b) and asks to see the OOP and at timestamp 9:15 PO Burns asks § 87(2)(b) if the OOP prohibits § 87(2)(b) from being at that address, which she confirms adding only limited contact is allowed. At timestamp 10:57, Sgt. Maurio asks if it is a legitimate OOP, which PO Burns confirms. At timestamp 11:15, PO Burns explains to Sgt. Maurio § 87(2)(b) was arrested earlier in the day by the squad for violating the OOP. At timestamp 12:00, PO Masullo says he was worried she was going to run his foot over.

A Threat, Resistance, Injury (TRI) report prepared by Captain Michael Galletta indicates § 87(2)(b) alleged PO Masullo and PO Burns caused her injuries (**Board Review 12**). While at the hospital at approximately 11:33 PM, § 87(2)(b) reportedly told him she had a scratch and a bruise on her left arm, a pulled neck, stomach pain, and right shoulder pain, however, none of these injuries were visible to Capt. Galletta. When Capt. Galletta asked to photograph her injuries, § 87(2)(b) refused and told him to speak to her lawyer. The TRI also states § 87(2)(b) was unable to describe how the officers caused these alleged injuries. § 87(2)(b) medical records do not indicate she sustained any injuries to her head, chest, heard, or left arm (**Board Review 13**).

Patrol Guide Procedure 221-01 provides instructions and guidance to officers on the use of force, stating it may be used when it is "reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life or when it is reasonable to place a person in custody or to prevent escape from custody" (**Board Review 14**). Specifically, with regard to firearms, it states, "Drawing a firearm prematurely or unnecessarily limits a uniformed member's options in controlling a situation and may result in an unwarranted or accidental discharge of the firearm." It goes on to say the decision to draw a firearm needs to be "based on an articulable belief that the potential for serious physical injury is present." It also states members of the service shall not discharge their firearms at or from a moving vehicle unless deadly physical force is being used against the member of the service or another person present, by means other than a moving vehicle.

It is undisputed that during the officers' investigation regarding the complaint that § 87(2)(b) violated an order or protection, § 87(2)(b) ignored the officers' instructions to give them her keys and to keep her vehicle off before attempting to drive away. By the time PO Burns moves from the sidewalk to the street to remove his firearm, PO Masullo was already clear from danger and at no further risk of injury, as shown in PO Burns BWC at timestamp 3:03. Furthermore, although PO Burns stated that § 87(2)(b) was an imminent threat at the time he drew his firearm, given that § 87(2)(b) had already driven away from PO Masullo and PO Burns did not articulate a reasonable belief for why he believed § 87(2)(b) was going to drive into



bystanders, § 87(2)(g)

Also, PO Burns stepped in front of § 87(2)(b) vehicle on his own volition, creating a dangerous situation. Regardless of whether § 87(2)(b) intended to use her vehicle as a weapon, the Patrol Guide specifically states that members of service shall not discharge their firearms at a moving vehicle if the only deadly force being used by the person is the vehicle.

§ 87(2)(g)

As PO Burns removed § 87(2)(b) from her vehicle, he pulled her out and placed her against a parked vehicle. It is undisputed that § 87(2)(b) tensed her body and refused to exit the vehicle. BWC shows she made contact with the parked vehicle, but PO Burns did not throw her against it.

§ 87(2)(g)

§ 87(2)(g) BWC shows PO Masullo attempted to stop § 87(2)(b) from driving away by reaching into her vehicle, pointing his gun at her, and using profanity to tell her to step out, § 87(2)(g)

**Allegation G: Offensive Language: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo made offensive remarks to § 87(2)(b) based on the perceived mental state of § 87(2)(b)**

**Allegation H: Discourtesy: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo spoke discourteously to § 87(2)(b)**

**Allegation I: Discourtesy: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo gestured discourteously toward § 87(2)(b)**

**Allegation #: Abuse of Authority: On August 24, 2021, at the § 87(2)(b) Hospital, Police Officer Michael Masullo seized § 87(2)(b) property.**

§ 87(2)(b) was taken to the 122<sup>nd</sup> stationhouse, where she asked to go to the hospital (**Board Review 5**). PO Masullo escorted her to § 87(2)(b) Hospital via ambulance and stayed with her in her hospital room. About 30 minutes after § 87(2)(b) arrived, a supervising officer came to take her statement about what happened. PO Masullo was in the room at the time, so § 87(2)(b) believed he heard everything. PO Masullo asked the supervisor something like, “Why is this Phase 2?” and the supervisor said it was due to her abrasions.

At around 10:00 PM, § 87(2)(b) attempted to go to the bathroom, but PO Masullo pushed her back onto the bed, saying she needed to use the bed pan (**Board Review 5**). He then went to the other side of the curtain in § 87(2)(b) hospital room and said to a member of hospital staff



§ 87(2)(b) “Was a little bit off,” while pointing to his head. He added staff should not believe anything § 87(2)(b) was saying. A nurse named § 87(2)(b) then took § 87(2)(b) to the bathroom. § 87(2)(b) incorrectly identified this nurse with the slightly different name of § 87(2)(b).

Before leaving the hospital, Nurse § 87(2)(b) gave § 87(2)(b) documentation with discharge instructions, but PO Masullo took this paperwork from her (**Board Review 5**). When she said she needed her documents, he said he needed to use them for his own paperwork, and she would get them back later. § 87(2)(b) was discharged from the hospital § 87(2)(b) after Nurse Mathews gave her updated paperwork since PO Masullo had hers.

§ 87(2)(b) § 87(2)(b) went to § 87(2)(b) Hospital where she learned she had no fractures but did have a concussion (**Board Review 5**). At the time of her interview, § 87(2)(b) had still not received her medical paperwork back.

Nurse § 87(2)(b) of § 87(2)(b) Hospital provided a statement on February 1, 2022 (**Board Review 15**). § 87(2)(b) Nurse § 87(2)(b) was on duty when § 87(2)(b) arrived to be treated for assault and a medication refill while she was arrested. Nurse Matthew gave § 87(2)(b) the medication she needed but was unable to recall any details of the alleged assault. She remembered a male officer being there but could not recall who he was nor what he looked like and did not remember if any other officers arrived. She saw this officer standing in the corner of the hospital room apparently following standard procedures. The officer never said § 87(2)(b) was a “little off” nor did he point to his head in reference to § 87(2)(b) being mentally unwell, nor to ignore what she said. Nurse § 87(2)(b) stated that Nurse § 87(2)(b) gave § 87(2)(b) paperwork when she was released, and no one was in the room with her other than the officer. Officers do not get a copy of this paperwork and Nurse § 87(2)(b) did not see the officer take it from § 87(2)(b) nor did she hear § 87(2)(b) complaint about her paperwork being taken.

§ 87(2)(b) medical records obtained by the CCRB show her CT scan yielded no evidence of swelling (**Board Review 13**). Additionally, there was no evidence a fracture or dislocation on her left arm.

No BWC obtained by the CCRB shows § 87(2)(b) time inside the hospital § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation K: Abuse of Authority: On August 25, 2021, at the 122nd Precinct stationhouse, Police Officer Matthew Aiello did not process § 87(2)(b) complaint regarding an officer.**

**Allegation L: Abuse of Authority: On August 25, 2021, at the 122nd Precinct stationhouse, Sergeant Lara Cadogan did not process § 87(2)(b) complaint regarding an officer.**

**Allegation M: Abuse of Authority: On August 25, 2021, at the 122nd Precinct stationhouse, Sergeant Lara Cadogan threatened to arrest § 87(2)(b)**

In a follow-up statement on October 12, 2021, § 87(2)(b) described going to the 122<sup>nd</sup> Precinct on August 25, 2021 (**Board Review 16**). She went to retrieve her vouchered property from the previous day and spoke with PO Aiello. PO Aiello gave § 87(2)(b) her car keys and other belongings, but he did not know where her car was, so he looked up who her arresting officer was (whom she assumed was PO Masullo), and called him. While PO Aiello was on the phone with PO

Masullo, § 87(2)(b) told him to ask where her stolen medical papers were, but PO Aiello did not say anything. At some point, another officer explained § 87(2)(b) where her car was but she could not find it after looking for it several times.

§ 87(2)(b) told PO Aiello she had been assaulted by PO Masullo and wanted to file a report about him stealing her documents (**Board Review 16**). She did not think she asked to file a report about the alleged assault because she already provided a statement regarding PO Masullo's use of force at the hospital. PO Aiello said he could not take a report because there was nothing to report so § 87(2)(b) asked to speak to his supervisor. Sgt. Cadogan, who had been close enough to likely have heard everything § 87(2)(b) said, came over and reiterated she had nothing to report. § 87(2)(b) then asked to speak to a captain, but Sgt. Cadogan refused to do so and told § 87(2)(b) to leave, or she would be arrested. She did not say what § 87(2)(b) could be arrested for, but § 87(2)(b) left approximately two minutes later.

Sgt. Cadogan recorded a brief BWC on August 25, 2021, at 1:48 PM, which shows § 87(2)(b) inside the stationhouse (**Board Review 17**). It is only 1:17 minutes long and the first minute is from point of view of BWC facing up towards the ceiling on the stationhouse desk. Sgt. Cadogan can be seen speaking to § 87(2)(b) who becomes visible later at timestamp 1:01 when she picks up the camera. When the sound engages at timestamp 1:00, Sgt Cadogan tells her to sit in the blue chair or else she will have to ask her to leave the precinct. Shortly after, a male officer walks with her outside through the front door. At no point in this BWC does Sgt. Cadogan threaten § 87(2)(b) with arrest, nor does it capture § 87(2)(b) asking to file a complaint.

At timestamp 0:42 of Sgt. Cadogan's BWC, an officer appears in the background towards the upper right corner of the frame (**Board Review 17**). Based on his MOS photo, this officer looks like PO Aiello (**Board Review 18**). Roll Call for August 25, 2021, shows that PO Aiello was assigned to "Property" and the investigation determined he likely spoke with § 87(2)(b) and was the male officer who allegedly refused to process her complaint against PO Masullo (**Board Review 19, pg. 25**).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
- Police Officer James Burns has been a member of service for six years and has been a subject in four other cases with eight other allegations, none of which were substantiated.

§ 87(2)(g) [REDACTED]

- § 87(2)(g) [REDACTED]

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